

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARLOS J. SANTOS, }  
Plaintiff, }  
v. } Civil Action No. 05-313 Erie  
JAMES F. SHERMAN, et al., }  
Defendants. }

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on October 21, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on May 3, 2006 [Doc. No. 21], recommended that the action be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the matter and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23<sup>rd</sup> day of May, 2006;

IT IS HEREBY ORDERED that the case is DISMISSED for failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter, filed on May 3, 2006 [Doc. No. 21], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge